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In the

Supreme Court of the United States

October Term, 1981

No. 73, Original

STATE OF CALIFORNIA,

Plaintiff,

vs.

STATE OF NEVADA,

Defendant.

REPORT OF SPECIAL MASTER

ROBERT VAN PELT,
Senior United States
District Judge
Lincoln, Nebraska
Special Master

JOE CHRISTENSEN, INC., 1540 Adams Strert, Lincoln, Nebraska 68521

INDEX

	Page
Subject Matter of Report	2
National Geodetic Survey Expression of Appreciation	4
Recommendations	4
Appendices	
Appendix 1 - Stipulation	6
Appendix 2 - Proposed Decree	14
Appendix 3 - 50% Reduction of Exhibit A Without Scale	18

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Special Master

This case involving the boundary between the States of California and Nevada was previously before this Court on the report of your Special Master filed October 29, 1979. On the 10th day of June, 1980, the Court, by unanimous decision, affirmed the report of the Special Master. *California v. Nevada*, 447 U.S. 125 (1980). In a footnote, the Court discussed the procedure for the marking of the boundary and stated in part:

> "Several subsidiary issues relating to the California-Nevada border are considered in the Special Master's recommendations. First, it turns out that Von Schmidt's north-south line and the United States Coast and Geodetic Survey oblique line do not intersect at precisely the 39th parallel, as in theory they should. The Special Master suggests that the two States be given the opportunity to determine by agreement the point in Lake Tahoe where the two lines meet. Failing such an accord, he indicates that he would recommend a solution; but this probably will not be necessary since the parties are apparently in agreement that if the balance of the Master's report is accepted the best course is to extend the oblique line in a northwesterly direction to the point where it crosses the north-south line. This solution to the problem is entirely permissible. Cf. *New Hampshire v. Maine*, 426 U.S. 363 (1976). Second, the Master recommends that he be authorized to arrange for surveys, at the parties' expense, if necessary to resolve disputes over the precise location of portions of either of the lines we approve today. That, too, seems appropriate."

Id. at 132 n.9.

Counsel, with the assistance of surveying and engineering experts for the States and the National Geodetic Survey, have reached an agreement, dated February 5, 1982, called Stipulation. The Stipulation sets out the location and marking of the entire boundary between the two states. A copy of this Stipulation, marked Appendix 1, is attached hereto as a part of this report. A proposed Decree was also tendered to your Special

Master, a copy of which is marked Appendix 2 and attached hereto. The original signed Stipulation and the proposed Decree are being submitted separately to the Clerk for filing. The original documents contain a map designated Exhibit A showing the agreed upon intersection in Lake Tahoe of the Von Schmidt north-south line and the United States Coast and Geodetic Survey oblique line. In order to include Exhibit A in this report, it has been reduced in size exactly 50% from the original. Thus, the scale as shown upon the reduced copy in the appendix is inaccurate. The 50% reduction would also allow the map to be printed as a part of the Decree in the Official Reports of the Supreme Court.

Your Special Master has discussed this reduction in size with counsel, who have conferred with their respective experts, and have agreed, and so advised me, that the reduction of Exhibit A has no effect on the information it contains except for the scale. The parties are agreed, and your Special Master concurs, that the simplest way to eliminate this problem is to remove the scale from the map, as was done with Appendix 3, attached hereto. Appendix 3 could then be substituted for Exhibit A in this Court's printed version of the Decree, providing it is acceptable to the Court. The parties do believe that the map is necessary for the benefit of future surveyors and for the information of the public in each State. Even in its reduced size, the map is legible and will serve the purpose of the parties.

In order to make the Stipulation and this Court's Decree available to interested persons, the Attorneys General of the two States, by David B. Judson and Larry D. Struve, have agreed that a certified copy of each shall be filed in appropriate offices in the States of California and Nevada. In Nevada these documents will be filed with the State Lands Registrar, Room 120, 201 South Fall Street, Carson City 89701. California will file

them in the State Archives, 1020 O Street, Sacramento 95814. The California State Lands Commission will also maintain copies at its office at 1807 13th Street, Sacramento 95814. They have also agreed that copies of these documents should be offered to the National Archives or the Library of Congress, whichever institution, if either, will accept them.

Considerable work has been done by the National Geodetic Survey, a sub-division of The National Oceanic and Atmospheric Administration, on the surveys agreed upon by the parties. Counsel and your Special Master recognize the work that has been done, without charge to the parties, and believe that the solution to this long-standing controversy between the two sovereign States would have been delayed for a much longer time without such help and assistance.

Counsel proposed and your Special Master agrees that this report should contain the following recognition:

> "As part of their agreement to determine the point in Lake Tahoe where the north-south and oblique lines intersect, the states requested the National Geodetic Survey of the National Oceanic and Atmospheric Administration to locate and monument certain points around the periphery of the lake from which this point of intersection as well as the positions of the boundary lines within the lake could be calculated. The National Geodetic Survey consented and undertook the task at its own expense. Both states have expressed their satisfaction for the meticulous and technically precise job done by the Survey and their appreciation for the very professional, courteous and expeditious manner in which that staff performed the job. The Assistance offered by the National Geodetic Survey was instrumental in the final resolution of this controversy."

Your Special Master recommends that the Court accept the parties Stipulation and enter the Decree sub-

mitted herein, but that the 50% reduced map, Appendix 3, be substituted in the Decree of this Court for Exhibit A, attached to the original Stipulation. Your Special Master further recommends that no costs be taxed for the services of your Special Master herein, that upon the order of termination of this case your Special Master file a report setting forth the amount of money received by him from the parties for the payment of costs and expenses pursuant to his requests and of its disbursement for approval by the Court unless prior thereto the parties in writing have approved your Special Master's report as to the disbursement of said moneys.

Respectfully submitted,

ROBERT VAN PELT,
Special Master
Senior U.S. District Judge
566 Federal Building
100 Centennial Mall North
Lincoln, Nebraska 68508

DATED: April 27, 1982.